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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re

NICOLAS CASTANEDA, JR.,

On Habeas Corpus.

F063947

(Stanislaus Super. Ct. No. 1232853)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for writ of habeas corpus.

Nicolas Castaneda, Jr., petitioner, in pro per.

No appearance for Real Party in Interest.

-ooOoo-

Petitioner seeks permission to file a belated notice of appeal. The Attorney General was given an opportunity to file opposition to the request and told that its failure to do so would be treated as consent to the requested relief being granted without further proceedings.

* Before Levy, Acting P.J., Gomes, J., and Kane, J.

The failure of the Attorney General to file a response to the petition for writ of habeas corpus filed by Petitioner on December 28, 2011, is, in accordance with our order filed March 1, 2012, deemed to constitute an agreement that the requested relief ought to be granted without further proceedings. (*People v. Romero* (1994) 8 Cal.4th 728, 740, fn. 7.)

Accordingly, petitioner is entitled to relief.

Petitioner is granted leave to cause a notice of appeal to be filed on or before 30 days from the date of this order in Stanislaus County Superior Court case number 1232853.

Let a writ of habeas corpus issue directing the Clerk of the Superior Court for Stanislaus County to file said request in its case number 1232853, to treat it as timely filed, and to proceed with the preparation of the record on appeal in accordance with the applicable rules of the California Rules of Court if the clerk of that court receives said request on or before 30 days of the date of this order.

This opinion is final forthwith.